

RECEIVED

FEB 18 2022

STATE AUDITORS OFFICE



JOHN R. ASHCROFT
SECRETARY OF STATE
STATE OF MISSOURI

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

ELECTIONS DIVISION
(573) 751-2301

February 18, 2022

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RE: Petition approval request from Tohle Dumizo regarding a proposed constitutional amendment to Article XV (2022-087)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Tohle Dumizo on February 17, 2022.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Ashcroft", written in a cursive style.

John R. Ashcroft

cc: Hon. Eric S. Schmitt
Sheri Hoffman
Trish Vincent

County _____

Page Number _____

It is a Class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than their own, or knowingly to sign their name more than once for the same measure for the same election, or to sign a petition when such person knows they are not a registered voter.

2022 FEB 17 AM 10:42

Initiative Petition

To the Honorable John R. Ashcroft, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and _____ County (or city of St. Louis), respectfully order that the following proposed amendment to the constitution shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 8th day of November, 2022, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and _____ County (or city of St. Louis); my registered voting address and the name of the city, town, or village in which I live are correctly written after my name.

(Official Ballot Title) _____

Circulator's Affidavit

State of Missouri, County of _____

I, _____ being first duly sworn, say (print or type names of signers)

	Name (signature)	Date signed	Registered Voting Address (Street) (City, Town, or Village)	Zip code	Congres- sional District	Name (printed or typed)
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17.						

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town, or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County (or city of St. Louis).

Furthermore, I hereby swear or affirm under penalty of perjury that all statements made by me are true and correct and that I have never been convicted of, found guilty of, or pled guilty to any offense involving forgery.

I am at least eighteen years of age, I do ____ do not ____ (check one) expect to be paid for circulating this petition. If paid, list the payer _____

Signature of Affiant (person obtaining signatures) _____

Address of Affiant _____ Printed name of Affiant _____

Subscribed and sworn to before me this ____ day of _____ CE 20____. Signature of Notary _____

Address of Notary _____ Notary Public (Seal) _____ My commission expires _____

Notice: The proposed amendment creates one new section of one new Article, to be known as Article XV, Section 1.

Be it resolved by the people of the state of Missouri that the Constitution be amended:

Article XV is created by adopting one new section to be known as Section 1.

Article XV, Section 1. The provisions of this section shall be known as the Right to Remember Amendment. Missouri has a proud heritage of leadership and volunteerism by private citizens who have helped build this state and nation, and who have ensured that the enduring lessons of our history are remembered and handed down to future generations of Missourians. It shall therefore continue to be the public policy of this state to remember our nation's and state's historic conflicts, events, and figures by preserving the historical memorials and monuments in this state.

- (a) No memorial that is, or is located on, public property, may be removed, renamed, un-named, relocated, materially altered, rededicated, or de-dedicated, except in such manner and to such extent as the General Assembly may provide by law,
- (b) In making provisions by law under subsection (a), the General Assembly may pass or repeal a local or special law or repeal in part a general law, notwithstanding that a general law could have been made applicable. However, in passing or repealing such special or local law, the General Assembly shall comply with Article III, Section 42 of this Constitution.
- (c) Nothing herein shall prevent or prohibit the following acts, so long as the acting entity ensures that any memorial is preserved to the greatest extent possible;
 - (1) a public entity having responsibility for maintaining a memorial, or a nonprofit entity acting with permission of the public entity, taking proper and appropriate measures, and exercising proper and appropriate means, for the upkeep, care, preservation, protection, repair, and restoration of the memorial;
 - (2) the state relocating, removing, or materially altering a memorial located on public property if it determines that the memorial interferes with the construction, maintenance, or operation of public property or improvements to public property, so long as any such action is also taken consistent with federal historical preservation law;
 - (3) the General Assembly taking any action necessary to comply with federal law or passing general laws necessary to allow the state or persons residing in Missouri to compete for, or maintain eligibility for, federal grants, federal contracts, or other federal funding opportunities; the state from taking any act required by federal law to maintain a state historic preservation officer, as may be defined by federal law, or a state historic preservation program, as may be defined by federal law; any local government from taking any act required by federal law to seek or maintain status as a certified local government, as may be defined by federal law.
- (d) For purposes of this section:
 - (1) "Historic conflict" means any war, battle, or military conflict in which citizens of the United States or any state or territory of the United States have participated;

- (2) "Historic entity" means any entity recognized as having state, national, military, or historical significance;
- (3) "Historic event" means any event recognized as having state, national, military, or historical significance;
- (4) "Historic figure" means any individual who has been recognized as having served or participated in any historic conflict, historic event, historic entity, public office, or in public service;
- (5) "Historic organization" means any entity that has as one (1) or more of its material missions the recognition of, or preservation of sites, structures, or artifacts relating to any historic conflict, historic entity, historic event, or historic figure;
- (6) "Memorial" means:
 - a. Any public real property or park, preserve, or reserve located on public property that has been named or dedicated in honor of any historic conflict, historic entity, historic event, historic figure, or historic organization; or
 - b. Any stature, monument, memorial, bust, nameplate, plaque, artwork, flag, the name of any school, street, bridge, or building, or historical display that has been erected for, named, or dedicated on public property in honor of any historic conflict, historic entity, historic event, historic figure, or historic organization; and
- (7) "Public property" means all property owned, leased, rented, managed, or maintained by or under the authority of this state, any county, municipality, metropolitan government, special district, or any other public entity that is created by act of the General Assembly to perform any public function.